

# **Exhibit D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.; )  
)  
Plaintiff, )  
)  
vs. ) Case No.  
) 1:22-cv-00983-VEC  
STOCKX, LLC; )  
)  
Defendant. )  
\_\_\_\_\_)

VIDEOTAPED DEPOSITION OF ROY IKHYUN KIM  
San Diego, California  
Wednesday, February 8, 2023

Reported by:  
Lynda L. Fenn, CSR, RPR  
CSR No. 12566

1 And why did you use this platform the most?

2 A StockX offered the best prices. As also a  
3 power buyer, I've had discounts on shipping so it  
4 made no sense economically to purchase through their  
5 platform.

6 Q Now, how much have you spent purchasing on  
7 StockX platform?

8 A [REDACTED].

9 Q And if you can recall, do you know when you  
10 made your first purchase from StockX?

11 A Probably 2017, 2018. But I have to look  
12 that up to be specific.

13 Q And how many purchases would you estimate  
14 you've made from StockX to date?

15 A Maybe around 5,000 shoes or so.

16 Q And are you familiar with the StockX term  
17 "power buyer"?

18 A That was a phrase that I use. They might  
19 use it, but I'm not sure if they use it.

20 Q And what does "power buyer" mean?

21 A It's just somebody who -- if they spend a  
22 certain amount within a quarter, they get discounted  
23 shipping rates.

24 Q And what amount is that, if you know?

25 A I don't recall off the top of my head.

1           Q   Does it entitled you to any other special  
2           benefits beyond discounted shipping?

3           A   I'm told that we get a dedicated customer  
4           support rep for our issues, but I'm not a hundred  
5           percent sure that's actually the case.

6           Q   And when did you become a StockX power  
7           buyer?

8           A   I've had that discount -- for over a year  
9           at least. I don't know exactly.

10          Q   Are you aware of like -- was there a  
11          threshold amount that you sold to -- to become a  
12          power buyer with StockX?

13          A   Yeah, a threshold amount that I bought  
14          within a time period.

15                There was an email that they sent that  
16          tells you what the thresholds are, but I didn't  
17          really read it, you know, because they just said I  
18          got a discount so I said, That's cool.

19          Q   Okay.

20                Prior to becoming a power buyer, did you  
21          ever have any issues with any product that you  
22          received from StockX?

23          A   Not to my memory.

24          Q   Okay.

25          A   There's a few shoes that might have had

1 before receiving a response?

2 A Through the email chat I sent them, I  
3 think, one message. And then I had also reached out  
4 through their Discord because the moderators on that  
5 Discord were a little bit more accessible.

6 I didn't hear from them back either, so I  
7 had to post on my Instagram instead.

8 Q And so was it after you posted on your  
9 Instagram when you were able to make contact with  
10 StockX?

11 A Yeah, StockX reached out to me after they  
12 saw the post go viral on the sneaker Instagram sites.

13 Q In contacting StockX, did you express that  
14 you had suspected the product was fake?

15 A Yes, I believe so.

16 Q And were you ultimately able to return the  
17 product?

18 A I was, yes.

19 Q Now, after you became a power buyer with  
20 StockX, did you have issues with any other products  
21 that you received from StockX?

22 A Not to my knowledge, no.

23 Q How would you characterize the customer  
24 service you received from StockX prior -- withdrawn.

25 How would you characterize the customer

1 service you received from StockX after becoming a  
2 power buyer?

3 A Their customer service is generally pretty  
4 good just not in this particular case. Generally,  
5 they are responsive to any issues that I have as a  
6 buyer or a seller within 24 hours.

7 In this case I didn't hear back them from.

8 Q And do you think that StockX made it easier  
9 for you to return products with issues?

10 A I'm sorry, I don't understand your  
11 question.

12 Q Yeah.

13 Did StockX make it easy for you to return  
14 products with issues?

15 A Outside of this particular scenario or  
16 others?

17 Q Well, let's focus on this particular  
18 scenario.

19 A In this scenario, yeah, once they received  
20 the shoes and verified that, you know, they were  
21 fake, it was easy for me to return.

22 They sent me a bunch of shipping label and  
23 I sent the shoes back with them.

24 Q Okay. How about in other situations?

25 Does StockX make it easy for you to return

1 products?

2 A I don't recall any other situation where I  
3 had to return something to them.

4 Q Now, of the products that you purchased  
5 from StockX, have any failed authentication when you  
6 attempted to sell them on another platform?

7 A Not to my knowledge. I mean, we're only  
8 really talking about GOAT and eBay if we're talking  
9 applications.

10 So, no, I have not tried to sell -- I  
11 haven't had any issues with stuff I bought from  
12 StockX that I sold through GOAT and eBay, no.

13 Q Okay.

14 Of the products that you purchased from  
15 StockX, have any failed authentication when you  
16 attempted to sell them again on StockX?

17 MR. POTTER: Objection to form.

18 THE WITNESS: Yes, I've had pairs fail but  
19 not because of authenticity reasons.

20 MS. REINCKENS: Okay.

21 BY MS. REINCKENS:

22 Q Why -- why have the products failed?

23 A Well, I got one last week where the bottom  
24 of the shoe apparently was dirty. I haven't gotten  
25 the shoe back to look at it, but they said the bottom

1 of the shoe was dirty.

2 But this was a shoe that I had purchased  
3 from StockX, left in my storage unit and then tried  
4 to sell back recently.

5 Q And did you attempt to contact StockX  
6 following that?

7 A No.

8 Q Any other situations you can think of where  
9 a product you purchased from StockX may have failed  
10 when you attempted to sell them again on StockX?

11 MR. POTTER: Objection to form.

12 THE WITNESS: I can't remember. I mean  
13 there have been cases, I just can't remember the  
14 specific details.

15 Generally when it happens I just take the  
16 shoe back, I take a look at it, I'll clean it up and  
17 then -- yeah, if they say, like, the bottom of the  
18 insole is dirty, I'll clean and, you know, sell them  
19 again.

20 MS. REINCKENS: Can you please mark this as  
21 Exhibit No. ROY 1.

22 Actually, I think we can do Exhibit  
23 No. KIM -- KIM 1, sorry.

24 (Plaintiff's Exhibit 1 was marked for  
25 identification by the Certified Shorthand Reporter



1           Q    After you received the refunds from StockX  
2           for the Uni, the Hyper Royal and the Mocha, did you  
3           continue to purchase sneakers through the StockX  
4           platform?

5           A    I did.

6           Q    Approximately how many sneakers have you  
7           purchased through StockX -- how many pairs of  
8           sneakers have you purchased through StockX since that  
9           time?

10          A    Over a thousand, I'm guessing. A lot.

11          Q    And have any of those -- have you believed  
12          that any of those are not authentic?

13          A    No, I have not.

14          Q    Have you bought Nike sneakers, as well as  
15          other brand?

16          A    I have, yes.

17          Q    And are you -- are you continuing to  
18          currently make purchases through StockX?

19          A    I am, yes.

20          Q    What percentage of the shoes that you  
21          purchased through StockX since July 2022 were Nikes?  
22          An estimate is fine.

23          A    Ninety percent plus.

24          Q    You were also in communication with Nike's  
25          litigation counsel in July of '22; correct?